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13-53846

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U.S. BANKRUPTCY COURT
E.D. MICHIGAN-DETROIT

FILED

September 23, 2013

Hon. Judge Syeven Rhodes, (P19374)
US Bankruptcy Court, E.D. Mich
211 W. Fort Street, Room 1800
Detroit, Michigan 48226

Judge Rhodes:

I'm incarcerated, and could not petition to being an in-person objector to Detroit's bankruptcy.

(1). I retired from the city of Detroit employment, after working 30-years, in 2004, I worked 3-years for D.D.O.T., as a city bus driver, and 27-years at DWSD, as a water, and senior water meter reader, and field investigator. At D.D.O.T., I got attacked, and beaten by 3 youths, in my probation period, while driving a Hamilton, route 23 bus line, while meter reading, I was bitten by dogs(s) on seven different occasions. I developed emotional stress, sinus, arthritis. After a failed civil lawsuit in which I was the plaintiff (US District Court, E.D. Mich #99-75811), I was demoted, in an around-about way. In January, 2003, I got injured lifting a suburban water meter pit (well) cover. I went to a doctor, I took two MRI test. It was discovered I had back degenerative nerve damage. A slipped disc. I was going to try to work up to me 2004, retirement date. In June, 2003, I again reinjured my back lifting a pit cover, with no hole in it. I immediately went to my bosses, and filled out an employment injury form(s). I went to the employer's industrial clinic. I was told to go back to work. I did not want to risk further injury.

This was DWSD's way of retaliating for my failed civil action. I put in for family leave , I had to use up my sick time, for a job-related injury! With the loss of paid (60%) of unused sick time, upon retirement, loss of over-time, I lost approximately \$18,000.

(2). Detroit Human resources, DWSD, DPD, Fire Dept, and Law Dept officials enlarged my DWSD work photo I.D., put my name, address, social security no, phone number, driver's license number on same, and gave a copy to the then Fire Dept. H.R. Director, who gave a copy to a private investigator. A copy was publicly displayed in the Fire Dept. security office, other copies were freely distributed. As a direct result, somebody(s) started applying for credit in my name! The Detroit, defendant's lawyer, Detroit police, DWSD, and trial judge did not feel this was amiss, or illegal!

(3). A worker's comp lawyer settled my matter, without my knowledge and without my permission! An AGC grievance didn't go anywhere! In short, despite being a good employee, Detroit subjected me to many violations, blacklisting promotion denials, etc. In short, I paid my dues as an employee for Detroit, and I'm entitled to 100% of my pension, benefits, etc.

(4). Upon incarceration, Mich got Wayne Circuit Judge Robert Colombo, Jr, to give them an ex-parte order freezing my pension, and credit union accounts, for 9-months, before taking same. I could not pay credit obligations, or retain legal counsel to defend, with a frozen pension, and with frozen credit union accounts. (A) As a direct result, my home of 34-years was foreclosed. (B) My sickly, unemployed, homemaker 64-year-old wife was forced to move from our home. (C) My two cars were repossessed. (D) My then, good credit rating is now ruined. (E) The financial stress, and strain to my wife, drove my wife of 37-years to file for divorce from me. Colombo, Jr., did not allow me

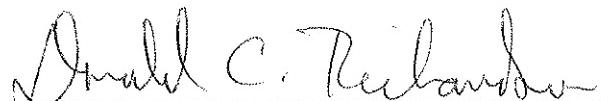
to be present at the original 2009, State Court's pension hearing. He also denied me the requested telephone conference call of that hearing. According to the US Supreme Court, in *Carey v. Piphus*, 98 S Ct 1042 (1978) those are due process and procedural due process violations and I am entitled to damages. Michigan takes \$1,139.83 per month from my hard-earned City of Detroit retirement pension, for inmate "room and board", SCFRA -MCL 800.401-4. Mich ignores MCL 800.403(3)(b), and MCL 800.404(5). In addition, Mich chooses to ignore *State Treasurer v. Downer*, 199 Mich App 447 (1993), *Gale v. General Motors*, 556 F Supp 2d 689 (E.D. Mich 2008), and *Daimler Chrysler Corp v. Cox*, 447 F 3d 967 (6th cir 2006). The Daimler Court held: ERISA supersedes MCL 800.401-4. ERISA covers all pension benefit plans. All pension benefit plans are to have an anti-alienation provision included in them! As of October 1, 2013, the take of my pension will be \$62,000. Total losses excluding damages, is \$262,000.00, and increasing monthly. The Oakland County judges, Alexander, and Sosnick, and the US District Court judge, O'Meara, didn't feel violating the US Constitution, Bill of Rights, due process and procedural due process in taking, and giving away my pension, was amiss! Oakland County Circuit Court #10-773854-D0, US District Court, E.D. Mich #2:12-CV-12361, 12362. My wife receives \$700.00, monthly from my pension, to live on. I don't receive a penny from my hard-earned pension, for inmate commissary, nor to pay my life insurance premiums! Upon release, I must file a QDRO motion to get my pension restored. I will have to give my wife, 50% of my pension, as part of our separate maintenance order. I need all my pension! I will have to continue to pay for my wife's health, dental, and optical care. Please consider all of this with any decision(s) you make concerning Detroit's bankruptcy, pension and benefit reductions. I earned my pension the hard way! Detroit officials, and Detroit city council members, past and present, approved lucrative contracts, ruining Detroit's financial future! It was not the worker, or retirees! Detroit Retirement Systems (DRS) officials, mishandled and

misspent retiree's monies, these DRS officials took lucrative trips meet with those wanting our money to invest with them, its usually the solicitors who come to those they are requesting funds from! Bad investments were constantly made, etc. Please don't punish retirees for other's incompetence, thefts, etc.

(5). Finally, see Naughtman Corp v. Pension Benefit Guaranty Corp, 446 US 359, 361-362, 100 S Ct 1723, 1776, 64 L Ed 2d 354 (1980). Also, 493 US at 376, 110 S Ct at 687.

Feel free to use this note, my official Detroit bankruptcy objections, in support of Detroit retirees pension and benefits being kept in tact. No reduction. No increases in health, dental, optical co-pays. Also, stop Mich from taxing retirees' income (retirement pension monies).

Respectfully submitted


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